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**2012 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM**

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

Contact Person: HOLLY PALMER

Telephone Number: 2012 AUG 22 PM 3 51  
(658) 755-9301

Name of Agency: DEL MAR UNION SCHOOL DISTRICT

THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

Mailing Address 11232 El Camino Real, Del Mar, CA 92130

This agency has reviewed its conflict of interest code and has determined that:

☒ **Amendments are necessary:** (Attach Amended Code)  
(Check all that applies)

- ☐ Include new positions (including consultants) which must be designated
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished
- ☐ Delete positions that manage public investments
- ☐ Revise disclosure categories

☒ Other include clarifying language provided by FPPC

☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: Holly McClurg Date: 7-31-12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

**Clerk of the Board of Supervisors  
(Conflict of Interest Code)  
1600 Pacific Highway, Room 402  
San Diego, CA 92101**

(Rev 7/02/2012)

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Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/4/12</u>	Minute Order No <u>28</u>
By: <u>[Signature]</u>	Date: <u>12/14/12</u>
Deputy Clerk of the Board Supervisors	

(Regulations of the Fair Political Practices Commission Title 2, Division 6, California Code of Regulations.)

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

2012 AUG 22 PM 3 51

**§ 18752. Nonsubstantive Amendments of Conflict of Interest Codes.**

THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

(a) A state agency or a local government agency with jurisdiction in more than one county may make nonsubstantive alterations of a conflict of interest code for its agency.

(b) No alteration of a conflict of interest code shall be deemed nonsubstantive until the agency has requested and received prior written approval from the Executive Director of the Fair Political Practices Commission, or his or her designee, to classify the alteration as nonsubstantive.

(c) Each request for a nonsubstantive alteration shall be in writing and shall be accompanied by:

(1) The conflict of interest code for the agency showing the proposed nonsubstantive amendments in strikeout/underscore format;

(2) A brief description of the proposed amendments; and

(3) A declaration by the chief executive officer of the agency declaring that the code specifically enumerates each of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest.

(d) The Executive Director, or his or her designee, shall respond in writing to each request for interim approval within 30 calendar days or receipt.

(e) Nonsubstantive alterations of conflict of interest codes shall be limited to the following:

(1) The reclassification or renaming of previously designated positions, provided no

designated positions are created, and provided no existing disclosure responsibilities are modified;

(2) The deletion of a position for which the classification has been abolished by the agency;

(3) The addition, deletion or modification of definitional or operational provisions of a conflict of interest code in conformity to a statutory amendment, a regulation of the Fair Political Practices Commission, a decision of the California Supreme Court, or a final decision of a California Court of Appeal; or

(4) The modification of any provision of a conflict of interest code, provided no disclosure or disqualification obligation of any designated employee is disturbed thereby.

(f) Nonsubstantive amendments to a state agency conflict of interest code which have been approved by the Executive Director or his or her designee shall be transmitted within 30 days by the agency to the Office of Administrative Law for filing with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Division 1 of Title 2 of the Government Code. When the agency files the nonsubstantive amendments with the Office of Administrative Law, it shall:

(1) Indicate that it is transmitting a conflict of interest code approved by the Fair Political Practices Commission for filing; and

(2) Request that the Office of Administrative Law publish the code in its entirety, or request that the Office of Administrative Law print an appropriate reference to the agency's code in its title of the California Code of Regulations.

(g) The nonsubstantive amendments to the conflict of interest code shall become effective on the thirtieth day after approval by the Executive Director or his or her designee or in the case

of a state agency, the thirtieth day after the date of filing with the Secretary of State.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87306, Government Code.

#### HISTORY

1. New section filed 6-3-77; effective thirtieth day thereafter (Register 77, No. 23).
2. Amendment of subsection (a) filed 4-28-82; effective thirtieth day thereafter (Register 82, No. 18).
3. Amendment filed 1-11-83; effective thirtieth day thereafter (Register 83, No. 3).
4. Amendment filed 4-21-92; operative 5-21-92 (Register 92, No. 19).
5. Editorial correction of subsection (f)(2) (Register 95, No. 40).

INDIAN WELLS  
(760) 568-2611

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LOS ANGELES  
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(951) 826-8252  
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**BEST BEST & KRIEGER**

ATTORNEYS AT LAW

3390 UNIVERSITY AVENUE, 5TH FLOOR, P.O. Box 1026, RIVERSIDE, CA 92502  
PHONE: (951) 686-1450 | FAX: (951) 686-3083 | WWW.BBKLAWS.COM

COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

2012 AUG 22 PM 3 50

CLERK OF THE BOARD

OF SUPERVISORS

SACRAMENTO  
(916) 325-4000

SAN DIEGO  
(619) 525-1300

WALNUT CREEK  
(925) 977-3300

WASHINGTON, DC  
(202) 785-0600

August 20, 2012

Teresa Zurita, Deputy  
Clerk of the Board of Supervisors  
County of San Diego  
1600 Pacific Highway, Room 402  
San Diego, CA 92101-2471

Re: Del Mar Union School District – Amendment of the Conflict  
of Interest Code and Request for Notice

Dear Teresa:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the Del Mar Union School District. As you can see by the enclosed legislative version of the Code, this amendment was done to include clarifying language as provided by the Fair Political Practices Commission.

As described in 2 Cal. Code of Regs § 18752(e)(4) (copy enclosed), the foregoing changes are considered non-substantive and do not affect or modify any existing disclosure responsibilities.

Therefore, the Del Mar Union School District requests approval of these non-substantive amendments to its Conflict of Interest Code. Please let me know when this amendment is set for approval by the Board or Administrative Officer. I would also appreciate a copy of the County's order of approval. For your records, I have also enclosed a clean, final copy of the amended Code.

Lastly, as required by Government Code Section 87306.5, enclosed is the completed Biennial Notice indicating the results of the review of the District's Code.

**BBK**  
**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Teresa Zurita, Deputy  
Clerk of the Board of Supervisors  
County of San Diego  
August 20, 2012  
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COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

2012 AUG 22 PM 3 51

THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

As always, please feel free to call me if you or County Counsel have any questions regarding the enclosed.

Sincerely,



Dianna Marie Valdez  
Conflicts of Interests & Ethics Coordinator  
for BEST BEST & KRIEGER LLP  
General Counsel  
Del Mar Union School District

Encls:

Amended Conflict of Interest Code (non-substantive)  
Legislative Version of the Amended Code (showing changes made)  
2012 Biennial Notice

2012 AUG 22 PM 3 51

**CONFLICT OF INTEREST CODE FOR THE**

**DEL MAR UNION SCHOOL DISTRICT**

**(Amended September 22, 2010)<sup>1</sup>**

THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Del Mar Union School District (the "District")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Executive Assistant to the Superintendent** as the District's Filing Officer. The **Executive Assistant** shall make and retain a copy of all statements filed by Members of the Board of Trustees and the District Superintendent, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **Executive Assistant** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

<sup>1</sup> Incorporate updated language from Fair Political Practices for incorporation page and Appendix to clarify requirements.

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**DEL MAR UNION SCHOOL DISTRICT**

**(Amended September 22, 2010)**

**EXHIBIT "A"**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>2</sup>:

Members of the Board of Trustees

District Superintendent

Financial Consultants

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<sup>2</sup> Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.



**DESIGNATED POSITIONS**

**GOVERNED BY THE CONFLICT OF INTEREST CODE**

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Superintendent, Business Services	1, 2
Assistant Superintendent, Human Resources	5
Assistant Superintendent, Instructional Services	5
Business Services Coordinator	4
Coordinator of State and Federal Projects	5
Director of After School Programs/Child Care	5
Director of Maintenance and Operations	5
Director of Pupil Services	5
Director of Technology	5
Facilities Construction Coordinator	2, 3, 5
General Counsel	1, 2
Principal (ALL)	5
Consultants and New Positions <sup>3</sup>	

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<sup>3</sup> Individuals serving as a Consultant as defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The District Superintendent may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The District Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

## **EXHIBIT "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

**LEGISLATIVE VERSION**  
**(showing changes made)**

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

**CONFLICT OF INTEREST CODE FOR THE**

2012 AUG 22 PM 3 51

**DEL MAR UNION SCHOOL DISTRICT**

THOMAS J. FACILCZYA  
CLERK OF THE BOARD  
OF SUPERVISORS

**(Amended September 22, 2010)<sup>1</sup>**

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) ~~which that~~ contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing ~~it~~ Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, regulation Regulation 18730, and the attached Appendix designating ~~officials and employees~~ positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Del Mar Union School District (the "District")**.

All officials and designated ~~employees~~ positions required to submit a statement of economic interests shall file their statements with the **Executive Assistant to the Superintendent** as the District's Filing Officer. The ~~Filing Officer~~ Executive Assistant shall make and retain a copy of all statements filed by Members of the Board of Trustees and the District Superintendent, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The ~~Filing Officer~~ Executive Assistant shall retain the originals of the statements filed by all other officials and designated ~~employees~~ positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

<sup>1</sup> Incorporate updated language from Fair Political Practices for incorporation page and Appendix to clarify requirements.

# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

## DEL MAR UNION SCHOOL DISTRICT

(Amended September 22, 2010)

### EXHIBIT "A"

#### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but ~~are subject to the disclosure requirements of the Act. (must file disclosure statements under Government Code Section 87200 et seq.).~~ [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>2</sup>:

Members of the Board of Trustees

District Superintendent

Financial Consultants

<sup>2</sup> Individuals holding one of the above-listed positions may contact the FPPC-Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC-Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES' POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Superintendent, Business Services	1, 2
Assistant Superintendent, Human Resources	5
Assistant Superintendent, Instructional Services	5
Business Services Coordinator	4
Coordinator of State and Federal Projects	5
Director of After School Programs/Child Care	5
Director of Maintenance and Operations	5
Director of Pupil Services	5
Director of Technology	5
Facilities Construction Coordinator	2, 3, 5
General Counsel	1, 2
Principal (ALL)	5

#### Consultants and New Positions<sup>3</sup>

<sup>3</sup> Individuals serving as a Consultants shall be included in the list of Designated Employees and as defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to must file under the broadest disclosure category set forth in this Code subject to the following limitation:

The District Superintendent may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. **that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC**

LAW OFFICES OF  
BEST BEST & KRIEGER LLP

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Regulations 18219 and 18734.) The District Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

App. A-3-

BBK – September 2010 July 2012

## EXHIBIT "B"

### DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of ~~investments, business entities, sources of income, including gifts, loans and travel payments, or real property which~~ economic interests that the Designated Employee-designated position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, ~~supplies~~ products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, ~~supplies~~ products, materials, machinery, vehicles or equipment of a type purchased or leased by the ~~Designated Employee's~~ designated position's department, unit or division.